

# Weekly Report

Week of February 8-12: Day 14-17

## In the Chamber...

The Senate showed support for flexible bank loans with the passage of House Bill 926. The bill, which was immediately signed by Governor Sonny Perdue, gives Georgia banks more flexibility in renewing loans for customers in good standing. Sen. Jim Butterworth (R-Clarkesville) presented the bill to the Senate, and explained how customers with good credit histories are being turned down for loans because of decreasing bank capital. The bill will now put Georgia's banks under similar guidelines with those on the federal level. Sen. Steve Thompson (D-Marietta) applauded Sen. Butterworth and the Senate Banking and Finance Committee for passing the legislation, saying the bill will help Georgia's businesses grow in difficult economic times.

Senators approved The Telecom Jobs and Investment Act (HB 168), designed to increase telecommunications competition by eliminating subsidy mechanisms and giving businesses incentives for telecommunication job creation. The bill also creates a compensation fund for those companies that need to adjust for the balancing of rates to keep in parity with other carriers.

Sen. David Shafer (R-Duluth), sponsor of HB 168 in the Senate, explained that the bill's main focus is to update Georgia law to allow for increased competition among providers, create new jobs in the industry, and encourage investment into existing and new telecommunications ventures. He said the bill takes away a lot of the restrictions that telephone companies currently deal with, which Shafer believes is unfair as most telecom companies offer multiple services including television, phone, and Internet service and should all be placed on an even field.

The Senate passed Shafer's committee substitute version of HB 168, 46 to 4, with three additional "housekeeping" amendments. The bill now goes back to the House where they must approve the Senate changes.



*Sen. David Shafer (R-Duluth) discusses telecom bill*

Senators voted on safety-net clinics and state retirement in two other pieces of legislation. First, Sen. Lee Hawkins (R-Gainesville) introduced Senate Bill 344, which would provide sovereign immunity protection to physician assistants working in Georgia's safety-net clinics. Safety-net

clinics provide medical care at reduced cost or no charge to uninsured or underinsured patients. Legislation sponsored by Hawkins in 2009 allowed nurses to be covered by the state's immunity. Hawkins noted that Georgia has 55 safety-net clinics that treated over 175,000 patients last year.

His bill was passed unanimously 49 to 0 and now moves over to the House for consideration.

HB 172, sponsored by Sen. Bill Heath (R-Bremen) in the Senate, updates Georgia law for retirement disability benefits. HB 172 would allow examinations of disability beneficiaries to take place outside of the home, providing for a more thorough and accurate diagnosis using a medical facility's resources. The bill was passed by committee substitute 51 to 1 and will head back to the House for consideration of the Senate updates.

The Senate unanimously passed a bill that saves taxpayer money and time to the House for consideration. The ultimate objective of SB 305 is to improve processes within the Department of Transportation (DOT), making them more efficient.

Current law authorizes the DOT to use the design-build procedure, or contract with one company to design and build a structure, for no more than 15 percent of the total amount of construction projects. Authored by Sen. Jeff Mullis (R-Chickamauga), this legislation increases the allotted percentage to 30 percent. The savings resulting from the ultimate passage of this bill will mean more projects and more jobs. Sen. Doug Stoner (D-Smyrna) spoke in favor of the bill, saying that if we get more stimulus money, we need to be able to utilize it quickly and efficiently and this bill allows the state to do so.

HB 320, carried by Sen. Heath, simply changes the name of the Georgia Environmental Facilities Authority to the more applicable name of the Georgia Environmental Finance Authority. The legislation was uncontested and now awaits the governor's signature.

Lt. Governor Casey Cagle formally introduced new state Sen. Hardie Davis (D-Augusta) to the Georgia Senate as he officially begins his term serving the 22<sup>nd</sup> Senate District. Davis won a special run-off election February 2 to fill the Senate seat left open after former Sen. Ed Tarver was appointed a U.S. District Attorney. Davis will immediately get to work on several important Senate Committees this week. Cagle has appointed Davis to serve on the Economic Development, Insurance and Labor, State and Local Governmental Operations, Transportation, Ethics, and Government Oversight committees.



*Sen. Hardie Davis (D-Augusta) starts his first term as State Senator*

The Upper Chamber also welcomed Georgia Boy Scout troops to the Capitol for the 100<sup>th</sup> anniversary of scouting during annual Boy Scout Day. Sen. Chip Pearson (R- Dawsonville) presented SR 840 commemorating the event and welcomed troops to the Capitol. He also announced the Boy Scouts' new partnership with the Department of Natural Resources to help maintain Georgia's state parks. Sen. George Hooks (D-Americus) recounted his fond memories of being

Sen. J.B. Powell (D-Blythe) introduced two bills aimed at assisting military veterans to further their education. SB 404 exempts veterans from certain coursework and allows them to receive class credit for instruction while their in military service. Sen. Powell's second bill, SB 405, allows veterans getting an education from the federal Veterans Administration to pay their tuition in installments or with funds from the Administration.

Another ingredient has been added to the debate over ethics reform in the shape of a bill that stipulates anyone appointed to the State Ethics Commission cannot have been fined by the Commission for the last 10 years prior to their appointment. Filed by Sen. Steve Henson (D-Tucker), he stressed that the public should have confidence that lawmakers are conducting the people's business in an appropriate and ethical manner. This bill adds to the long list of legislation that has already been filed by various lawmakers to reinforce the legislature's ethics code.

## **Committee News**

### **Public Safety**

The Senate Public Safety Committee discussed Sen. Jim Butterworth's (R-Cornelia) Senate Bill 245, which allows local governments to sanction races on public roads. Sen. Butterworth said the races should be decided at the local level and will have a positive effect on the state's economic development. There were many concerns about the bill, including one from Sen. Emanuel Jones (D-Decatur) about the affect races could have on residential areas. Questions

were also asked about the safety of race spectators and who would be liable if accidents occurred. The bill narrowly passed with at 6 to 5 vote.

The committee also heard testimony on Chairman Jack Murphy's (R-Cumming) legislation (SB 318) that requires an expert's affidavit to be filed along with any damages alleging malpractice against a certified peace officer. Attorney Lance Larrusso spoke in favor of the bill, saying it will not affect any criminal investigations from law enforcement officials, but will reduce the amounts of frivolous law suits made against police offers. Attorney Brian Spears spoke against the bill and said the need for an expert could negatively effect investigations and other proceedings. The committee moved to table the legislation and conduct further discussion.

The Committee continued their hearing on SB 318, which requires that an individual provide an affidavit along with their complaint against certain law enforcement professionals. Proponents of the bill present to testify included Lance LaRusso with the Fraternal Order of Police and Frank Rotundo, the executive director of the Georgia Association of the Chiefs of Police. Rotundo stressed that we no longer have the police culture of the 1960's and 1970's and that given the opportunity, police would indeed testify against their colleagues who have broken the law. He noted that there is no longer a "blue line" that separates police from everyday citizens, but that police officers are eager to do the right thing. As a law enforcement officer who has been sued and has also been an expert witness, he described how morale and job performance for those involved in a frivolous lawsuit declines. He felt that abolishing these unjust cases would bring a level of confidence and productivity to the officers who are trying to do their best job.

Those testifying against the bill included Bill Clark with the Georgia Trial Lawyers and Aaron Colson of Lobbyists for Life and Liberty. Colson stressed that it would be difficult to find a police officer who would volunteer to be an expert witness. He noted that all other professions protected by the bill enter a contractual relationship with their clients, but this is not the type of relationship that police have with everyday citizens. The professions are mostly private, while police officers have the state as a support unit. Colson felt that "frivolous" lawsuits are the price we pay in order to allow valid cases to be heard. He recounted a personal story in which his sister had been raped by two police offices. He noted that it would be a travesty to add yet another layer of requirements to an already traumatic experience for the victim.

Bill Clark stressed that law enforcement already has the "shield of the state" to protect them. He noted that taking away the ability for judges to determine if a lawsuit is frivolous or not removes an important right that they have to stop these cases from ever seeing the court room. He reminded the committee that this law has been on the book since 1988 and has never stopped frivolous lawsuits against physicians. He pointed to dramatic health care tort reform that was the hot topic in 2003. This legislation was passed regardless of the fact that it sought to have the same outcome of this bill and both have been unsuccessful.

The committee will vote on the issue at the next meeting.

### Ethics

The Senate Ethics Committee met and discussed HB 450, regarding election regulations. Last

year, HB 450 passed the House unanimously but never made it to the Senate Floor. Michael O'Sullivan, legislative director for the Secretary of States Office, testified on behalf of Rep. Austin Scott (R-Tifton), the bill's author. O'Sullivan gave a lengthy run down of the bill's stipulations and highlighted additions made since the 2009 Session. Additions to the bill include changes to terminology clarifying early voting sites as polling places, requirements for the chief registrar and absentee ballot clerk to be certified by the state, staggered terms for Board of Registrars, and requirements for the Department of Human Resources to provide vital statistic records on the 10<sup>th</sup> day of each month.

The Ethics Committee also heard from Marcia Rubenson with the Georgia Municipal Association (GMA). She expressed concern over the financial burden to municipalities and asked the committee to make sure that the cost of advanced voting was not a hindrance to smaller communities. Currently, voting supervisors must be full-time paid employees of the state, leaving smaller areas to hire additional support. She estimated that the cost per early voter was almost \$100. Chairman Dan Moody (R- Johns Creek) asked the Secretary of State's Office to meet with representatives of GMA to make sure that the appropriate language is included to properly represent GMA's concerns. Any changes in voting law in Georgia must be approved at the federal level. They have 60 days to approve or reject any changes.

Michael O'Sullivan, Legislative Director with the Secretary of State's office, returned to the Ethics Committee to present two small changes to HB 540 that were made since the last meeting.

New language in section three addressed the concern of the Georgia Municipals Association from the pervious meeting. The new language clarifies that any city or county employees may also serve as poll officers regardless of the county in which they reside. This should alleviate some of the stress that smaller counties have finding eligible poll officers to staff voting sites.

New language in section eight requires counties to provide the official electors list 21 days prior to a municipal election. The extension coincides with the start of absentee/early voting periods for municipalities.

With no objections, the bill was passed out of committee and will await its turn on the Rules calendar.

### Agriculture

Currently, there are several counties that do not allow a manufactured home that is more than 10 years old to be moved into the county. The Agriculture Committee discussed a bill carried by Sen. John Bulloch (R-Ochlocknee) that stated the age of a manufactured home will not determine fire safety, rather it will be contingent upon a fire safety inspection.

The committee heard two favorable testimonies on the bill. Todd Edwards with the Association County Commissioners of Georgia reiterated that several counties have age restrictions throughout the state and that there was no objection to the proposed bill. Lamar Morton of the Georgia Municipal Association and Charlotte Gaddis of the Georgia Manufactured Homes Association supported using health and safety standards as opposed to age in determining the

safety of a manufactured home.

The last witness, Ron Jackson of the Insurance Department, testified that there might be a staffing issue regarding who would perform the inspections, but Sen. Bulloch explained that those issues are up to the local authority, not the state.

SB 384 passed unanimously out of committee.

### Natural Resources

The committee met to hear testimony over the Wild Animal, Pythons and Anacondas Bill for the third and final time. When the bill was brought to a vote, the committee was split down the middle, five in favor and five opposed. Chairman Ross Tolleson (R-Perry) thanked Sen. John Douglas (R-Social Circle) for his time and offered him the opportunity to bring a revised bill to the committee in the future. However, he decided that he could not support recommending the bill for a vote on the Senate Floor in its current form. The bill failed with Chairman Tolleson having the final vote.

The committee also heard testimony from Sen. Chip Pearson (R-Dawsonville) on SR 958, which requests that the United States Congress make efforts to enact legislation restricting the EPA's efforts to regulated greenhouse gas emissions from stationary sources through the CAA until Congress. Representatives of the Georgia Mining and Forestry Industry were present to speak in support of the bill. Lee Lemke with the Georgia Mining Association stressed that the current system caused delays investment and technology advancement towards an energy efficient nation. He assured members of the committee that this resolution would equal more jobs and renew investment in Georgia's economy. The bill passed unanimously out of committee.

A public discussion was held to hear the testimony of several groups regarding the Governor's Water Bill. Jason O'Bouche, from the Council for Quality Growth, was present to express his support of the task force and stated that his organization is satisfied with the recommendations that have been included in SB 370. However, he noted some minor concerns that he has with the current language of the bill. These included the issue of billing for water consumption, which would have a direct impact on how companies bill residents for their usage of water.

In section five of SB 370, there are references made to submetering and multitenant buildings. He stated that submetering would subject all multitenants to the same meter reading which would be an unfair process for the state to enact. Darrian Collier, who represented the Georgia Apartment Association, also shared O'Bouche's concerns regarding the specific language used in the bill. He added that this is a tough issue to legislate on because there are many ways to determine water consumption. Other groups, including the Association of Water Professionals, the Georgia Conservancy, and the Georgia Municipal Association, took the opportunity to express their support for the legislation as well as the Governor's Water Task Force.

The committee also held a vote on SR 859 which is sponsored by Sen. Judson Hill (R-Marietta). The resolution, as amended, passed unanimously and will now move on to the Senate Rules Committee to see if it will make it to the chamber floor for a vote. With this the resolution, the

state would be able to urge the necessary parties in our nation's capitol to allow for the exploration of new energy sources on the coast of Georgia. Currently, 90 percent of the state's natural gas comes from the Gulf of Mexico. Representatives from Atlanta Gas Light and the Georgia Petroleum Committee were both present to support this piece of legislation that would start the process of Georgia decreasing its dependency on others for natural gas. Furthermore, it would give the state a much needed increase in revenue.

Next week the committee will meet again to continue their discussion surrounding the Governor's Water Bill as well as other issues that pertain to natural resources in the state of GeorgiaNat.

### Economic Development

Economic Development Chairman Chip Pearson (R-Dawsonville) is carrying a bill on behalf of the Lieutenant Governor that creates a council of state lawmakers to evaluate Georgia's overall economic development strategy. The council is also charged with reviewing all state funded activities and expenditures used for economic development. The committee voted unanimously to pass SB 374, which mandates that the council must provide an annual report to the Governor each year detailing the state's programs and activities related to job creation and economic development in Georgia.

Sen. Pearson also presented SB 339 on behalf of its author, Sen. Mitch Seabaugh (R-Sharpsburg). Members gave this bill a unanimous vote as well, which clarifies that licensed utility contractors are eligible to bid on jobs for utility systems. Vicki Reynolds with the Georgia Utility Contractors Association said that municipalities often confuse the law to mean that only those with a general contractors' license can bid for utility jobs, excluding utility contractors from getting their own work.

### Special Judiciary

The Senate Special Judiciary Committee narrowly passed Chairman John Wiles' (R-Kennesaw) Transparency in Lawsuits Protection Act (SB 138). Chairman Wiles reintroduced the bill that was held over from the 2009 Legislative Session in order to take the guessing game out of a plaintiff's right to bring a civil law suit.

Current Georgia law leaves interpretation up to the courts if a citizen has a private right to sue in addition to prosecutors' criminal suits. Wiles suggests that there is too much room for misinterpretation of legislative intent. The bill creates new Code Section 9-2-8, which makes it clear that a private right of action does not automatically arise when a legislative enactment occurs, unless expressly provided in the statute.

Mr. Cary Silverman, a lawyer and representative for the American Legislative Exchange Council (ALEC), testified that including this code in Georgia law will provide clearer guidelines for plaintiffs, reduce costs for defendants and may prevent some needless law suits which raise court costs. He also noted that by adding this code, the legislature will be more conscious of the provisions and penalties they are putting into state laws.

Many senators on the committee expressed their concern of the need for change if the courts

have correctly interpreted state laws. They questioned if this was a necessary corrective action. In addition, senators wanted to ensure that this new statute would not apply to tort and contract laws. Supporters of the bill testified that this was proactive legislation so as to prevent any misinterpretations and agreed to the tort and contract law exemptions.

The bill passed by committee substitute with a narrow margin of 5-4.

### Insurance and Labor

Georgians under 65 who have kidney disease or are disabled will have the option to buy secondary health insurance through Medicare that could help them better manage their health care costs under SB 316, authored by Sen. Don Thomas (R-Dalton). The bill was passed unanimously by the Insurance and Labor Committee and will expand eligibility to about 2,000 Georgians, according to Sen. Thomas. He testified alongside a dialysis patient who stressed the importance of giving these patients the ability to supplement their high medical costs.

Sen. Judson Hill (R-Marietta) then presented two pieces of legislation that he says aim to protect Georgia patients from being forced to participate in any health care system. This comes in response to federal health care reform efforts, and would prohibit any law from compelling anyone to purchase health insurance or to fine them for not purchasing insurance. He is presenting the legislation in two forms; first, as a Constitutional Amendment that must be passed by a two-thirds majority in the Senate and House and then would be put before voters on the November 2010 ballot. If approved, SR 794 would change the Georgia Constitution to include the prohibition. The second measure is in the form of a bill (SB 317), which would only have to be passed by a simple majority in both chambers, and would be added to Georgia Code. A Constitutional Amendment is a stronger change, but a bill could have a better chance of receiving final passage. The committee voted in favor of both measures, which will go to the Rules Committee to decide which measure makes it to the Senate Floor for a vote.

Finally, the committee passed a HB 417 that clarifies if an insurer provides any material in a language other than English, the English-language version will rule supreme in any dispute or complaint resolution

### Health and Human Services

Expanding the definition of influenza vaccines to include nasal sprays that administer the flu vaccine in a live influenza virus was approved by the Health and Humans Services Committee. SB 367, authored by Sen. Don Balfour (R-Snellville), is a provision that most states already recognize.

Testimony was heard from two physicians; Dr. Karen Duncan, a Grady and Emory Pediatrician, and Dr. Tara Gonzales, pediatrician and science director with Medimmune. Both testified that the nasal spray is a safe and effective way to administer the vaccine, even to children. Both witnesses mentioned that a consent form must be completed in order to weed out those who the vaccine would not be compatible with.

Bryan Looby represented the Medical Association of Georgia, which opposes the legislation

because it does not require a prescription from a doctor. A main concern is that without a prescription, vaccine compatibility might be an issue with consumers.

The committee voted unanimously to pass Sen. Balfour's bill.

The committee also voted unanimously to pass two other bills. House Bill 194, authored by Rep. Fran Millar (R-Dunwoody), ensures that a pharmacist who substitutes a generic drug for a brand name drug will display the names of both drugs on the prescription label with an explanation that there was a substitution. SB 353, authored by Sen. Buddy Carter (R-Savannah), adds certain drugs to the classification of controlled substances.

### Regulated Industries

The Regulated Industries and Utilities Committee passed four bills out of committee with little debate. Committee Chairman Sen. David Shafer (R-Duluth) presented two bills Senate Bills 150, the Junk Dealers Bill and 148, the Georgia Occupational Regulation Review Law. Under SB 150, a current \$1 tax on all junk dealers would be repealed in its entirety. Currently, probate judges are required to levy this dollar tax on area junk dealers.

SB 148 would give the Georgia Occupation Regulation Review Council the ability to review existing state boards to determine the need for change to their current regulations, as well as evaluate the regulations of existing state boards at least once every seven years in order to see if all boards are still required. The reviewing board would then present a non-binding recommendation to the legislature. Under current law, the state is not able to create a new licensing board without having it reviewed after one session. Secretary of State Brian Kemp spoke in support of the bill, noting that there is a need to assure that each board was still relevant and productive. Some boards have remained in existence but are still valid or impose little to no fines. This piece of legislation would hold all boards and agencies accountable. Both bills passed unanimously out of committee.

The next order of business was Sen. Jack Murphy's (R-Cumming) SB 335, which passed out of Senate last session but failed in the House. The bill would allow municipalities, housing authorities and counties the power to decide whether or not to allow alcohol to be consumed within 100 yards of a housing authority property. Chairman Shafer noted that there was a new philosophy on public housing and several areas across the state have sought to mix in different socioeconomic backgrounds in order to improve these housing communities and the surrounding areas. Murphy reminded the committee that this is a good economic development bill which will help many areas grow and improve. Both the Georgia Municipal Association and the Association of County Commissioners were on hand to support the bill, which passed unanimously out of committee.

Finally, the committee heard testimony on HB 231, the Interior Designer Bill. The bill will clearly define that an interior designer is able to draw and consult on drawings for construction permits for areas of a building that has been previously designed by an architect but cannot change load bearing or mechanical construction. Additionally, they can not change the outside shell or building without the approval of an architect. Rep. Sean Jerguson (R-Canton) noted that

the bill preserves the practice of architecture while allowing interior designers to continue to practice trade. Representatives from the Home Builders Association and the architecture and interior design communities all spoke in favor of the bill, which passed unanimously out of committee.

### Judiciary

Georgians could have greater protection against their medical identity being stolen under a bill passed by the Judiciary Committee. Authored by Sen. Judson Hill (R-Marietta), SB 334 makes it a felony to fraudulently use anyone's identifying information to obtain medical care. According to Sen. Hill, medical identity fraud is the fastest growing form of identity fraud in the nation, and is one of the most difficult crimes to track and fine. Before passing the bill, the committee voted to add language that allows for a private cause of action, meaning victims can sue for damages.

The committee also considered a bill that sought to implement a new oath requirement for testimony by a grand jury, and also would have disallowed any testimony to be used as evidence if a witness is not properly sworn in. After concerns from members and district attorneys were raised, SB 313 was revised and passed to essentially reinforce that an oath must be administered to all witnesses.

### Transportation

Georgia's rest areas and service to travelers along interstate highways will greatly improve if Georgia is allowed to establish partnerships with private sector companies and franchises. The Senate Transportation Committee, chaired by Sen. Jeff Mullis (R-Chickamauga), passed a resolution that urges the Georgia Department of Transportation to obtain a waiver from the Federal Highway Administration that would allow commercial operations in rest areas along the interstates in Georgia (SR 822). The goal is to partner with a private sector to help maintain of rest areas, keep them open later, serve more people, and help local economies.

Sen. Jack Murphy (R-Cumming) supported the Resolution, mentioning two specific examples of the positive effects the partnerships could have locally. A constituent contacted Murphy and said he attempted to stop by a rest area just after 5:00 PM only to find the rest area had already closed. With this resolution, rest areas will be able to stay open later. Murphy also mentioned the economic growth that welcome centers have brought local economies. The resolution passed unanimously out of committee.

### Education and Youth

Sen. Valencia Seay (D-Riverdale) introduced legislation that arms students with first aid knowledge so they can be prepared in the event of an emergency. Senate Bill 298 simply includes first-aid instruction in health curriculum for students in 8th grade or higher. The Senate Education Committee passed Sen. Seay's legislation unanimously.

Additionally, Sen. Vincent Fort's (D-Atlanta) bill that raises the mandatory school attendance age from 16 to 17 passed unanimously.

Sen. Don Balfour (R-Snellville) presented SB 386, regarding performance-based pay structure for Georgia educators. This bill will preserve current salary structure but will allow current

teachers to opt-in to the new performance pay system when it is fully implemented in 2014. New teachers and those opting into the pay system will not be eligible for automatic supplements for advanced degrees, but will be eligible for higher bonuses based on classroom observations and the degree to which their students have grown academically. The bill will enable those already enrolled in advanced degree programs to complete their studies and remain in the current pay scale.

Sen. Balfour presented the bill with Erin Hames, Policy Director in the Office of the Governor and Kelly Henson of the Professional Standards Commission.

The biggest concern for the committee and the witnesses that testified was that advanced degrees would lose relevance. Hames explained that if a teacher feels an advanced degree will improve student achievement in the classroom, then that should be reason enough to further their education.

The committee will continue hearings on SB 386 before taking a vote.

### Veteran and Military Affairs

The Veterans, Military and Homeland Security Committee met to discuss who has the right to handle the disposition of the body of deceased armed-forces personnel. Sen. Ed Harbison (D-Columbus) proposed SB 355 as a result of several stories from families plagued by the decision of who would handle their deceased loved one's body.

Sen. Harbison explained this is entirely unfair and unnecessary as there is a form all military personnel are required to fill out regarding this matter. Kept in the U.S. Department of Defense Record of Emergency Data, DD Form 93 allows the personnel to designate an authorized person to handle their body in the event of death. Sen. Harbison's legislation ensures this form is utilized in Georgia.

The committee only offered one question. Sen. Cecil Staton (R-Macon) asked if personnel are able to update this record, as it is likely that situations will change over time. Sen. Harbison noted that each time a member of the armed-forces begins a tour, the form is filled out again to ensure all information is up to date and correct.

The legislation passed unanimously and now awaits consideration before the entire Senate.

The committee also heard testimony on Sen. Nan Orrock's (D-Atlanta) resolution, SR 955, discouraging military related activities and military recruitment of children under the age of 17. It urges schools to play an active role in obtaining parental consent when military-related activities commence on school campus. Another part of the resolution urges school systems to inform parents that their child's contact information is being released, and often used for military recruitment, to the federal government under a stipulation in the No Child Left Behind Act. There is an opt-out clause in this stipulation that is not well known but allows parents to elect not to allow the school to share their child's contact information.

The committee had a strong concern that this resolution would negatively affect the military and

its recruitment practices. Chairman John Douglas (R-Social Circle) and other members reminded the audience that without a draft, we can rely only on military recruitment to populate our armed-forces.

Several private citizens testified in support of the bill, including Caitlyn Barrow, a student at Georgia State University, who testified that she had been contacted several times by military recruiters. The committee pointed out that no harm came to Ms. Barrow as a result of these calls and mailings.

A representative from the American Civil Liberties Union mentioned that the U.S. entered into the Human Rights Declaration that states that no one under the age of 17 shall be recruited for military service. Sen. Staton pointed out that federal law preempts state law, so the state is powerless with respect to the international contract mentioned above.

Tim Franz, representing the American Friends Service Committee, mentioned recruiters have an unfair quota that they have to meet. He asked the committee to consider hearing testimony from a recruiter to provide further information. The members agreed and will continue testimony before taking a vote.

### State Institutions and Properties

In its first committee meeting of the 2010 Legislative Session, the State Institutions and Property Committee unanimously voted to save Georgia money and allow Georgians a voice in how their money is used.

Senate Majority Leader Chip Rogers (R-Woodstock) brought SR 510 (SR 520) before the committee. SR 510 proposes an amendment to the State Constitution allowing the General Assembly in general law to authorize the State Properties Commission, the Board of Regents of the University System of Georgia, or both to enter into multi-year rental agreements. Allowing multi-year contracts will improve the management and increase the value of the State's leasing practices and administrations. The multi-year lease format is standard and considered a leading commercial business practice. In addition, a number of other states including California, Wisconsin, North Carolina, Florida, New York and Texas have followed this leading practice.

The State Properties Commission handles all leasing agreements for state agencies with the exception of the Board of Regents and the Georgia Department of Transportation (GDOT). The nature of GDOT leasing agreements is much different and there is specific legislation that already addresses GDOT agreements. The State Properties Commission suggests that the state could save up to \$10 million.

The resolution must achieve a two-thirds majority in the Senate and House, then be signed by the governor before going on the November ballot for a vote. By putting this to a vote by Georgia citizens, they will have the opportunity to say how their tax dollars are utilized. The ballot question will read, "Shall the Constitution of Georgia be amended so as to allow the State Properties Commission and the Board of Regents of the University System of Georgia to enter into multi-year rental agreements without requiring appropriations in the current fiscal year for

the total amount of rents that would be due under the entire agreement so as to achieve a reduction in rental rates to be paid by the state?”

### Banking and Finance

The Senate Banking Committee met to discuss giving banks greater flexibility in renewing loans. HB 926, authored by Rep. James Mills (R-Gainesville), is an effort to put state banks on par with federal bank guidelines and help consumers receive fair treatment when attempting to renew loans. It passed with overwhelming support in the House earlier this session.

Rep. Mills explained that this legislation allows greater flexibility in terms of renewing or restructuring certain loans that, under current law, would exceed lending limits. Previously, banks were not able to renew a loan because their customer's asset ratios were affected by the downturn in the economy; however, the law has not changed.

This bill is geared toward customers that are reliable and pay on time. When the loan was first issued, the economy was thriving and tighter lending limits were not a problem. Now that renewal periods are coming up and the economy is down, consumers can not meet the bank's requirements for renewal. With this new flexibility, banks will have the legal right to make smarter decisions for the bank and their customers, whether it is restructuring, renewing or terminating loans.

Rob Braswell, Commissioner of the Georgia Department of Banking and Finance, was the only witness to come before the committee. He spoke in favor of the bill, commenting that his department hears almost daily from banks that are getting frustrated with the tight lending limits that are unrealistic in this economy.

The bill received unanimous passage and now awaits action in the Senate Rules Committee. Sen. Jim Butterworth (R-Clarkesville) will sponsor the bill in the Senate.

### Government Oversight

Georgia could save money with new lease agreements under a bill passed unanimously by the Government Oversight Committee. Sen. Chip Rogers' (R-Woodstock) State Properties Commission bill (SB 254) allows the Commission to enter into multiyear lease agreements and removes the authority of the Department of Labor to manage its own space. Currently, there is no negotiation on year-by-year leases. Sen. Rogers noted that the main purpose of the bill is to save the state a considerable amount of money, because now is a great time for the Commission to lock in good rates for a long-term lease.

New contracts for the Georgia Student Finance Committee will be put in place through a bill authored by Sen. Greg Goggans (R-Douglas) and received a unanimous passing vote by the committee. He explained that SB 363 allows the Georgia Student Finance Authority to contract with the Board of Community Health to include its employees in any state health insurance plan. Previously, the group self-supported their own private insurance. There is no fiscal impact because the Authority will pay 80 percent of the cost for insurance, with the employees covering the other 20 percent.

Fatimot Lapido from the Georgia Student Finance Authority said the Authority is self-supporting

because interest collected from student loans will be used to cover costs for State Health Benefit Plan coverage. Nothing will be taken away from money used to make loans. The selling point of the bill is that there is no additional cost to the state and this is for active employees only. Because covering retired Authority employees would result in a fiscal impact, the committee voted to restrict the bill to active employees only.

### Reapportionment and Redistricting

The Senate Reapportionment and Redistricting Committee passed a bill by a large majority that focuses on getting Congress to provide a fair, accurate and unbiased account of the population. Voting 11-1, the committee passed SR 761 sponsored by Chairman Judson Hill (R-Marietta), who noted that these statistics are extremely valuable to the state as they determine the distribution of congressional seats, as well as how federal funds are distributed throughout the state.

Sen. Vincent Fort (D-Atlanta) voiced his concerns about the lack of representation of African-Americans, Latinos, and other people of color in the census if sampling is being conducted by the Census Bureau. However, members of the Census Bureau assured him that sampling practices are not being used.

Members from the Georgia Department of Community Affairs (DCA) were on hand to update the members on their progress. As a part of DCA, Debra Lions serves as co-chair of the Georgia Complete Count Committee. The committee's goal is to leverage resources across the state to ensure that all Georgia citizens are accounted for in the next national census. She cited numerous groups of individuals who are not typically represented in the census, including renters, those who live in secured buildings or gated communities, scattered mobile home owners, and those who live in high crime areas.